

Exhibit 1

The Honorable Robert J. Bryan

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

STATE OF WASHINGTON,

Plaintiff,

v.

THE GEO GROUP, INC.,

Defendant.

NO. 3:17-cv-05806-RJB

**DEFENDANT THE GEO GROUP, INC.'S
RESPONSES TO PLAINTIFF STATE OF
WASHINGTON'S FIRST REQUESTS
FOR PRODUCTION**

**THE GEO GROUP, INC.'S RESPONSES TO PLAINTIFF'S FIRST REQUESTS FOR
PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.") and the Local Rules of the U.S. District Court for the Western District of Washington (the "Local Rules"), Defendant The GEO Group, Inc. ("GEO") hereby responds and objects to Plaintiff's Requests for Production. Subject to the specific objections below, GEO will produce documents on a rolling basis subject to a reasonable schedule mutually agreed to by the parties.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

GEO objects to Plaintiff's definition of "communication" in paragraph 3.3 to include "any conversations, meetings, correspondence, conference, and any other means or manner by which information or opinion is or was communicated to or received from others, whether written,

1 electronic, or oral” to the extent that oral communications are unrecorded in either a written or
 2 electronic medium. GEO will only produce documents existing in a tangible medium and will
 3 not produce any unrecorded oral communications because it is not possible to do so and is outside
 4 the scope of document discovery.

5 GEO objects to Plaintiff’s definition of “document” in paragraph 3.5 as it is contrary to
 6 the Federal Rules of Civil Procedure. GEO defines “document” according to its definition in Fed.
 7 R. Civ. P. 34(a)(1)(A). GEO further objects to Plaintiff’s definition of “document” to include
 8 “messages and/or attachments now only available on backup or archive tapes or disks” as not
 9 reasonably accessible, unduly burdensome, and outside of the scope of discovery. GEO further
 10 objects to Plaintiff’s definition of “document” referring to or invoking Washington State Rules of
 11 Evidence to the extent that the Washington State Rules of Evidence purport to impose obligations
 12 on GEO beyond the requirements of the Federal Rules of Evidence. GEO therefore objects to
 13 Plaintiff’s definition of “writings” and “records” to the extent it cites to the Washington State
 14 Rules of Evidence (“ER 1001(a)”) and not the applicable Federal Rules of Evidence. GEO will
 15 comply with any discovery obligations as they exist in the Federal Rules of Evidence.

16 GEO objects to Plaintiff’s definition of “ICE” (Immigrations and Customs Enforcement)
 17 in paragraph 3.6 as overly broad. GEO defines ICE only to include the agency of the United
 18 States Department of Homeland Security, ICE employees, and any other persons or entities acting
 19 on behalf of or under the direction, authorization, or control of ICE.

20 GEO objects to Plaintiff’s definitions of “Identify” included in paragraphs 3.7 through
 21 3.10. GEO is required to produce responsive documents, not create documents that identify
 22 particular natural persons, entities, documents, or conversations in response to Plaintiff’s First
 23 Requests for Production.

24 GEO objects to Plaintiff’s definition of “state the basis” in paragraph 3.15 as inapplicable
 25 to Plaintiff’s First Requests for Production. GEO is under no obligation to “state the basis” for
 26 any of its responses or objections to Plaintiff’s First Requests for Production. GEO will respond
 27 to Plaintiff’s First Requests for Production in accordance with Fed. R. Civ. P. 34(b)(2).

GEO objects to Plaintiff's definition of "You," "Your," and "GEO Group" in paragraph 3.16 as outside the scope of discovery as defined by Fed. R. Civ. P. 26(b)(1) to the extent that the request seeks information relating to persons or entities that are separate and distinct from GEO and over whom GEO exercises no control. GEO further objects to these definitions to the extent that the request includes GEO attorneys and, therefore, improperly seeks information protected by the attorney-client privilege, the work product doctrine, the common interest privilege, and/or any other applicable privileges or immunities. In responding to these requests, GEO interprets the terms "You," "Your," and "GEO Group" to refer only to the named party in this action and any entities GEO has the legal right to control.

GEO objects to Instruction 4.1 to the extent that Plaintiff seeks production of documents outside of the possession, custody, or control of the named party, GEO, and any entities GEO has the legal right to control.

GEO objects to Instruction 4.3 to the extent that Plaintiff seeks information outside of the possession, custody, or control of an entity within the legal right to control of the named party, GEO. Furthermore, GEO objects to the procedure for claiming privilege as described in Instruction 4.3. GEO will produce a privilege log in accordance with Fed. R. Civ. P. 26(b)(5) or in a format mutually agreed to by the parties.

GEO objects to Instruction 4.4 to the extent that it seeks to impose discovery obligations on GEO, pursuant to Washington State Rules of Civil Procedure ("CR 26(e)"), beyond the requirements of the Federal Rules of Civil Procedure. GEO will supplement any responses to Plaintiff's First Requests for Production, should they be necessary, in accordance with Fed. R. Civ. P. 26(e).

GEO objects to Instruction 4.8, which instructs GEO to produce "all earlier editions or predecessor documents" and, therefore, would require GEO to produce documents outside of the scope of discovery. GEO will only produce documents relevant to the claims and defenses of the parties from within the appropriate time period.

GEO objects to Instruction 4.9 as it states a procedure for the production of documents,

1 including the labelling and grouping of documents, as well as providing a key for abbreviations
 2 used in all documents, that is unduly burdensome and not required under the Federal Rules of
 3 Civil Procedure. Pursuant to Fed. R. Civ. P. 34(b)(2)(E), GEO will produce documents as they
 4 are kept in the usual course of business, as they were ordinarily maintained or in a reasonably
 5 useable format. Furthermore, GEO objects to Instruction 4.9 that requires “each responsive
 6 document or information shall be produced in its entirety and no portion of any document or
 7 information shall be edited, cut, masked, redacted or otherwise altered.” GEO objects as this may
 8 require the production of information subject to privilege, privacy or security restrictions. GEO
 9 reserves the right to redact information that is not responsive as well as to redact for privilege.
 10 GEO may also produce documents redacted, *inter alia*, to protect the privacy and safety of
 11 individuals identified in the documents, detainees, GEO staff, and others.

12 GEO objects to Instruction 4.10 to the extent it requires GEO to take extraordinary
 13 measures that would be disproportionately expensive and burdensome to preserve electronic
 14 information. In accordance with FRCP 37(e) and relevant case law, GEO will take reasonable
 15 steps to preserve electronically stored information potentially relevant to this matter.

16 GEO objects to Instruction 4.12 to the extent that Plaintiff seeks production of documents
 17 outside of the possession, custody, or control of any entity that GEO has the legal right to control.
 18 Without waiver of any rights or other objections, GEO will take reasonable steps to preserve
 19 documents and information in the conduct of litigation, as is required under applicable case law
 20 and Fed. R. Civ. P. 37(e).

21 GEO objects to Instruction 4.13 as no “Exhibit A” has been attached to Plaintiff’s First
 22 Requests for Production. Pursuant to Fed. R. Civ. P. 34(b)(2)(E), GEO will produce documents
 23 as TIFF images with extracted text (or OCRRed text for redacted documents) or in a reasonably
 24 useable format as appropriate.

25 GEO objects to Instruction 4.14 as contrary to the Federal Rules of Civil Procedure, and
 26 largely inapplicable to the substance of Plaintiff’s First Request for Production. Without waiver
 27 of any rights or other objections, GEO will produce documents responsive to Plaintiff’s First

1 Requests for Production and within its possession, custody, or control in accordance with Fed. R.
2 Civ. P. 34(a)(1).

3 GEO objects to Instruction 4.15 as GEO is not required under the Federal Rules of Civil
4 Procedure to describe documents or information that may have been destroyed prior to reasonably
5 anticipating litigation in this matter.

6 **OBJECTIONS TO FIRST REQUESTS FOR PRODUCTION**

7 **REQUEST FOR PRODUCTION NO. 1:** Please produce all documents that are
8 referenced in, support, or that form the basis of Your response to Interrogatory 1.

9 **RESPONSE TO NO. 1:** Subject to and without waiving GEO's definition and instructions
10 objections, GEO will produce relevant, responsive, non-privileged documents referenced in, in
11 support of, or form the basis for its response to Interrogatory 1.

12 **REQUEST FOR PRODUCTION NO. 2:** Please produce all documents that are
13 referenced in, support, or that form the basis of Your response to Interrogatory 2.

14 **RESPONSE TO NO. 2:** Subject to and without waiving GEO's definition and instructions
15 objections, GEO will produce relevant, responsive, non-privileged documents referenced in, in
16 support of, or form the basis for its response to Interrogatory 2.

17 **REQUEST FOR PRODUCTION NO. 3:** Please produce all documents that are
18 referenced in, support, or that form the basis of Your response to Interrogatory 3.

19 **RESPONSE TO NO. 3:** Subject to and without waiving GEO's definition and instructions
20 objections, GEO will produce relevant, responsive, non-privileged documents referenced in, in
21 support of, or form the basis for its response to Interrogatory 3.

22 **REQUEST FOR PRODUCTION NO. 4:** Please produce all documents that are
23 referenced in, support, or that form the basis of Your response to Interrogatory 4.

24 **RESPONSE TO NO. 4:** Subject to and without waiving GEO's definition and instructions
25 objections, GEO will produce relevant, responsive, non-privileged documents referenced in, in
26 support of, or form the basis for its response to Interrogatory 4.

27 **REQUEST FOR PRODUCTION NO. 5:** Please produce all documents that are
28 referenced in, support, or that form the basis of Your response to Interrogatory 5.

RESPONSE TO NO. 5: Subject to and without waiving GEO's definition and instructions objections, GEO will produce relevant, responsive, non-privileged documents referenced in, in support of, or form the basis for its response to Interrogatory 5.

REQUEST FOR PRODUCTION NO. 6: Please produce all documents that are referenced in, support, or that form the basis of Your response to Interrogatory 6.

RESPONSE TO NO. 6: Subject to and without waiving GEO's definition and instructions objections, GEO will produce relevant, responsive, non-privileged documents referenced in, in support of, or form the basis for its response to Interrogatory 6.

REQUEST FOR PRODUCTION NO. 7: Please produce a corporate organization chart that includes all of The GEO Group, Inc.'s parent, subsidiary (whether wholly or partially owned), and affiliated entities.

RESPONSE TO NO. 7: GEO objects to this Request on the grounds that it is vague and ambiguous to the extent that it seeks information regarding undefined "affiliated entities." Subject to and without waiving GEO's definition and instructions objections, GEO will produce its most recent corporate organizational chart based on information within GEO's possession, custody, or control. GEO is unaware of any documents it is withholding based upon the above specific objection, but reserves the right to supplement and amend this response as discovery continues.

REQUEST FOR PRODUCTION NO. 8: Please produce, in full, any and all bids and/or contracts between The GEO Group, Inc. and Immigration and Customs Enforcement ("ICE") regarding the Northwest Detention Center.

RESPONSE TO NO. 8: GEO objects to producing bids and contracts to the extent they disclose trade secrets. Following appropriate redactions and subject to and without waiving GEO's definition and instructions objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, and produce relevant, responsive, non-privileged copies, to the extent that they exist, of all bids or contracts between The GEO Group, Inc. and Immigration and Customs Enforcement

1 (“ICE”) regarding the Northwest Detention Center within the relevant time period. GEO is
 2 withholding or redacting documents based upon the above specific objection.

3 **REQUEST FOR PRODUCTION NO. 9:** Please produce all The GEO Group, Inc.
 4 policies regarding the Voluntary Work Program at the Northwest Detention Center.

5 **RESPONSE TO NO. 9:** Subject to and without waiving GEO’s definition and instructions
 6 objections, GEO will conduct a reasonable search of documents on active electronic systems and
 7 reasonably accessible paper storage areas that GEO reasonably believes contain potentially
 8 relevant information within its possession, custody, and control, and produce relevant, responsive,
 9 non-privileged copies, to the extent that they exist, of all The GEO Group, Inc. policies regarding
 10 detainee participation in, and compensation from, the Voluntary Work Program at the Northwest
 11 Detention Center within the relevant time period.

12 **REQUEST FOR PRODUCTION NO. 10:** Please produce all handbooks issued to
 13 detainees regarding the Northwest Detention Center.

14 **RESPONSE TO NO. 10:** Subject to and without waiving GEO’s definition and instructions
 15 objections, GEO will conduct a reasonable search of documents on active electronic systems and
 16 reasonably accessible paper storage areas that GEO reasonably believes contain potentially
 17 relevant information within its possession, custody, and control, and produce relevant, responsive,
 18 non-privileged final copies, to the extent that they exist, of all versions of handbooks issued to
 19 detainees regarding the Northwest Detention Center within the relevant time period.

20 **REQUEST FOR PRODUCTION NO. 11:** Please produce all The GEO Group, Inc.’s
 21 documents related to the Voluntary Work Program and ICE’s Performance Based National
 22 Detention Standard 5.8 including policies, memorandum, handbooks, and documents.

23 **RESPONSE TO NO. 11:** GEO objects to this Request on the grounds that it requests
 24 information outside the scope of discovery in that it seeks “all documents related to” the
 25 Voluntary Work Program and ICE’s Performance Based National Detention Standard 5.8. All
 26 documents related to the Voluntary Work Program and ICE’s Performance Based Detention
 27 Standard 5.8 are not relevant to the claims and defenses in this case. For example, invoices for
 28 cleaning supplies used by detainees as part of the Voluntary Work Program are “related to” the
 program, but have no bearing on the claims or defenses in this case. In addition, the production

of those documents that are nominally relevant to the claims and defenses may be disproportionate, considering in particular, their bearing on the importance of the issues at stake in the action, the amount in controversy, the parties' resources, the importance of the specific documents in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Subject to and without waiving GEO's definition and instructions objections, GEO will conduct a reasonable search documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, and produce relevant, responsive, non-privileged documents, to the extent that they exist, concerning the Voluntary Work Program and ICE's Performance Based National Detention Standard 5.8's implementation as they relate to detainee participation and compensation at the Northwest Detention Center within the relevant time period. GEO is withholding or redacting documents based upon the above specific objection.

REQUEST FOR PRODUCTION NO. 12: Please produce all The GEO Group, Inc.'s communications related to the Voluntary Work Program and ICE's Performance Based National Detention Standard 5.8, with and between The GEO Group, Inc., ICE, any governmental entities, community stakeholders, or anyone else.

RESPONSE TO NO. 12: GEO objects to this Request on the grounds that it is overly broad and unduly burdensome to the extent that it seeks "all communications related to" the Voluntary Work Program and ICE's Performance Based National Detention Standard 5.8. All communications related to the Voluntary Work Program and ICE's Performance Based Detention Standard 5.8 are not relevant to the claims and defenses in this case. For example, communications regarding security arrangements required to implement the Voluntary Work Program have no bearing on the claims or defenses in this case. In addition, the production of those communications that are nominally relevant to the claims and defenses may be disproportionate, considering: the importance of the issues at stake in the action, the amount in controversy, the parties' resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.

Furthermore, GEO objects to this Request on the grounds that it is unreasonably vague in seeking communications with “any governmental entities, community stakeholders, or anyone else” because “anyone else” is so broad as to encompass non-relevant communications with any number of people about issues related to the program that have nothing to do with the claims and defenses in this case. For example, a communication about the fact that the program exists is irrelevant to whether GEO appropriately paid detainees participating in the program. Subject to and without waiving GEO’s definition and instructions objections, GEO will conduct a reasonable search of documents on active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain potentially relevant information within its possession, custody, and control, and produce relevant, responsive, non-privileged communications, to the extent that they exist, concerning the Voluntary Work Program and ICE’s Performance Based National Detention Standard 5.8’s implementation as they relate to detainee participation and compensation at the Northwest Detention Center within the relevant time period. GEO is withholding or redacting documents based upon the above specific objection.

REQUEST FOR PRODUCTION NO. 13: Please produce all documents that would show how many hours detainee-workers have worked at the Northwest Detention Center since 2005.

RESPONSE TO NO. 13: GEO objects to this Request on the grounds that it is unduly burdensome to the extent it seeks all documents related to the topic when summary information is sufficient and significantly less burdensome. GEO objects to this Request pursuant to Fed. R. Civ. P. 26(b)(1) as it seeks documents that are not proportionate to the needs of this case. Subject to and without waiving GEO’s definition and instructions objections, GEO will produce relevant, responsive, non-privileged documents from active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain information sufficient to show the number of hours detainees have worked at the Northwest Detention Center since November 1, 2005.

REQUEST FOR PRODUCTION NO. 14: Please produce all documents regarding the process by which detainee workers are paid for participating in the Voluntary Work Program.

RESPONSE TO NO. 14: GEO objects to this Request on the grounds that it is unduly burdensome to the extent it seeks all documents related to the topic when limited specific information is sufficient and significantly less burdensome. GEO objects to this Request pursuant to Fed. R. Civ. P. 26(b)(1) as it seeks documents that are not proportionate to the needs of this case, because the burden and expense to GEO of discovery of “all documents regarding the process by which detainee workers are paid for participating in the Voluntary Work Program” certainly outweighs the limited benefit Plaintiffs will receive from reviewing all potentially applicable documents individually. Subject to and without waiving GEO’s definition and instructions objections, GEO will produce relevant, responsive, non-privileged documents from active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain information sufficient to show what detainees at the Northwest Detention Center were paid for participating in the Voluntary Work Program during the relevant time period. GEO is withholding or redacting documents based upon the above specific objection.

REQUEST FOR PRODUCTION NO. 15: Please produce all documents regarding the process by which detainee workers’ [sic] are terminated from participating in the Voluntary Work Program.

RESPONSE TO NO. 15: GEO objects to this Request on the grounds that it is unduly burdensome to the extent it seeks all documents related to the topic when limited specific information is sufficient and significantly less burdensome. GEO objects to this Request pursuant to Fed. R. Civ. P. 26(b)(1) as it seeks documents that are not proportionate to the needs of this case, because the burden and expense to GEO of discovery of “all documents regarding the process by which detainee workers’ [sic] are terminated for participating in the Voluntary Work Program” certainly outweighs the limited benefit Plaintiffs will receive from reviewing all potentially applicable documents individually. Subject to and without waiving GEO’s definition and instructions objections, GEO will produce relevant, responsive, non-privileged documents from active electronic systems and reasonably accessible paper storage areas that GEO reasonably believes contain information sufficient to show the process by which detainees at the Northwest Detention Center were terminated from participating in the Voluntary Work Program

1 during the relevant time period. GEO is withholding or redacting documents based upon the
2 above specific objection.

3 **REQUEST FOR PRODUCTION NO. 16:** Please produce all documents regarding the
4 process by which detainee workers' efforts are reviewed.

5 **RESPONSE TO NO. 16:** GEO objects to this Request on the grounds that it is unduly
6 burdensome to the extent it seeks all documents related to the topic when limited specific
7 information is sufficient and significantly less burdensome. GEO objects to this Request pursuant
8 to Fed. R. Civ. P. 26(b)(1) as it seeks documents that are not proportionate to the needs of this
9 case, because the burden and expense to GEO of discovery of "all documents regarding the
10 process by which detainee workers' efforts are reviewed" certainly outweighs the limited benefit
11 Plaintiffs will receive from reviewing all potentially applicable documents individually. Subject
12 to and without waiving GEO's definition and instructions objections, GEO will produce relevant,
13 responsive, non-privileged documents from active electronic systems and reasonably accessible
14 paper storage areas that GEO reasonably believes contain information sufficient to show the
15 process by which work conducted by detainees at the Northwest Detention Center as part of the
16 Voluntary Work Program were reviewed. GEO is withholding or redacting documents based
17 upon the above specific objection.

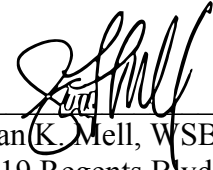
18 **REQUEST FOR PRODUCTION NO. 17:** Please produce all documents regarding the
19 process by which detainee workers are terminated from participating in the Voluntary
20 Work Program[.]

21 **RESPONSE TO NO. 17:** GEO objects to this Request on the grounds that it is unduly
22 burdensome to the extent it seeks all documents related to the topic when summary information is
23 sufficient and significantly less burdensome. GEO also objects to this Request on the grounds
24 that it is cumulative and duplicative of other Requests, specifically Request 15. Please see GEO's
25 response to Request 15 above.
26
27

1 Dated: February 5, 2018

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2
3
4 By


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18 **ATTORNEYS FOR DEFENDANT**
19 **THE GEO GROUP, INC.**

CERTIFICATE OF SERVICE

I, Joseph Fonseca, hereby certify as follows:

I am over the age of 18, a resident of Pierce County, and not a party to the above action.

On February 5, 2018, I electronically served the above GEO's Response to Plaintiff's First Requests For Production via Email to the following:

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I certify under penalty of perjury under the laws of the State of Washington that the above information is true and correct.

DATED this 5th day of February, 2018 at Fircrest, Washington


Joseph A. Fonseca, Paralegal